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SPEECH OF MR. PEARCE,

On the Governmental Administration of Affairs in

California, and on the Government Expenditures generally. IN THE SENATE OF THE UNITED STATES, APRIL 29, 1852. The Senate having under consideration the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending

Mr. PEARCE rose and said: The senate, I trust, will pardon me for departing from the line of debate strictly proper at this stage of the discussion. I consider it a necessity which I cannot disregard to de 3. Upon the introduction of this bill, remarks were made by the chairman of the Committee on Finance, (Mr. Husten,) and by the Senator from California, (Mr. Gwis,) inculpating the present Administration. Those-charges have gone forth to the public. They are now making some impression upon the public mind; and, if not answered promptly, those impressions may become fixed and ineradicable, so that no force of fact or argument may suffice to remove them. The Senate knows that I have not been in the habit of indulging in what is called partisan debate. I dake no pleasure in crimination or recrimination, but the task I have before me is not that of a partisan debater. My purpose is to vindicate men of pure and honorable

task I have before me is not that of a partisan debater. My purpose is to vindicate men of pure and honorable character, engaged zealously in the faithful discharge of duties as arduous as they are important.

The Senator from California has made an open and avowed attack upon the Administration. He has charged them not merely with official negligence, but with the toleration of various abuses, and even with the reward of them. He has endeavored to fix upon this Administration the responsibility of the errors, real or imaginary, of General Taylor's administration, although the Senate must perceive with how little justice such an attempt as that can be made. As well might I undertake to charge that can be made. As well might I undertake to charge upon the Administration of Mr. Polk the frauds, peculations, and defalcations, enormous in amount, and almost incalculable in number, which were perpetrated under the incalculable in number, which were perpetrated under the administrations of his Democratic predecessor. The Senator from California has pointed out specific instances of violation of duty, and he has attempted to sustain his charges by a documentary display of several columns. It will be for the Senate to judge, in the sequel, whether the success of this attack is equal to the rashness which prompted it, or the vigor with which it has been prosecuted.

cuted.

The Senator from Virginia was more moderate in the tone of his speech, which I had not the pleasure of hearing, not being in the city when it was delivered. As reported in the Globe, I believe he disclaimed any purpose of assailing the Administration. Sometimes he bestowed faint praise upon the head of a Department; then, again, he might be said to "hint a fault, and hesitate dislike."

At another place he speke of abuses, and of a system of At another place he spoke of abuses, and of a system of mal-administration, which the members of the present Cabinet were tardy in perceiving, and feeble in correcting. He fancied that the reforms which the present Administration had undertaken came too late; that they did not go far enough; that they did not strike at the root of the matter, that they matter that they did not strike at the root of the go far enough; that they did not strike at the root of the matter; that they required the stimulus of Congressional criticism. He said that he thought these gentlemen were not born to remedy the evils which had prevailed, and which still afflict the public service. All this was said on the eve of a Presidential election. Now, sir, we know how greedily the minions of party catch at accusations; and how, particularly at a time like this, such a speech as that, coming from the Senator from Virginia, who, during a very considerable experience in this body, has earned a reputation for fairness and candor, might, from that circumstance alone, derive peculiar point. I know not operate with even more injustice upon the Administration than the more open attack of the Senstor from California. I know that it will, in some respects, require a more critical analysis. I shall endeavor to give it that malysis; and I hope I shall be able to satisfy the Senate of many errors into which he has fallen, as well as to expose the more palpable mistakes of the Senator from Cali-fornia. I shall commence with the remarks of the latter Senator, not confining myself, however, entirely to the de-fence of the present Administration, but adverting, as briefly as may be, to the charges brought against the ad-

briefly as may be, to the charges orought against ministration of General Taylor.

I had supposed, Mr. President, that the administration of General Taylor might have escaped these assaults. That gallant, honest, artless old patriot has gone down to the tomb. There he sleeps, as

"Sleep the brave who sink to rest By all their country's wishes blest." The members of his Cabinet no longer hold official stations. Not one of them has an Executive office or a seat in either House of Congress. Not one of them is here to in either House of Congress. Not one of them is here to repel injustice, or even to furnish his friends with the means of defending him. I do not know that I shared very largely in the confidence of that Cabinet. Still there were gentlemen in it with whom I recognised the relations of personal friendship; and I will not permit them now or hereafter to be assailed erroneously, and therefore unjustly, when I have the means of their defence in my hands.

The Senator from California started with a charge which, if the Senate alone were concerned, I should not think it worth while to refute. But these things make an impression upon the public when not contradicted. Hence it is that I notice them. The first charge the Senator it is that I notice them. The first charge the Senator makes, is, that very soon after General Taylor's inauguration he selected an agent to visit California upon public business; that the gentleman whom he selected had been, during the preceding fall, elected a member of the House of Representatives; that his term of service commenced on the 4th of March, although the Congress in which he was to take his seat would not, by law, meet until the following December; and he considered this to be a violation of that provision of the Censtitution which declares that "no person holding any office under the United States shall be a member of either House during his continuance in office." Now, what member of the United States shall be a member of either House during his continuance in office." Now, what member of the Senate is there who supposes that an agency, such as that conferred upon Mr. Thomas Butler King, was an office within the meaning of the Constitution? What is an offic? It is a thing created by law. But an agency, derived from and created by Executive appointment, is not a thing created by law. It is a very different thing, and does not come within the letter or the spirit of the constitutional provision. Besides, these are not new things. The Senator from California must remember that there has been scarcely a President since the foundation of the Governscarcely a President since the foundation of the Government who has not at some time or other selected an agent for the performance of duties very similar to those which were entrusted to Mr. King. Why, not to go further back than the time of General Jackson, who does not remember that he deputed a gentleman of this city to go to Texas for nearly the same objects as those which Mr. King was charged with in California? Mr. Polk's administration, as the gentleman from Vermont (Mr. Upham) suggests, appointed a Mr. Hopkins as Executive agent to Paraguay. It is not an uncommon thing at all. It is not necessary for me to multiply instances to the Senate. The Senate knows that there is nothing extraordinary in it; no startling novelty about it; nothing but what is common and what is proper.

ling novelty about it; nothing but what is common and what is proper.

But the Senator, not content with charging the then President of the United States with violating the Contitution by this appointment, suggested that there was another enormity—that Mr. King was allowed eight dollars a day and traveling expenses while away, in addition to his pay as a member of Congress. I take it for granted that the gentleman did not mean to say that he was to receive pay as an agent while at the same time he was receiving pay as a member of Congress, for that would be a thing physically impossible, and directly contradicted by the letter of his instructions. His appointment was to have effect, and his pay was to be receivable only while he was absent on this mission, and was to cease immediately upon his reand his pay was to be receivable only while he was absent on this mission, and was to cease immediately upon his return. He was only a member of Congress elect—not qualified, not having taken his seat—not entitled to a dollar's pay as a member of Congress until he should return from the scene of his agency in California; and, in point of fact, he never took his seat in the House of Representatives at all, but resigned it while still on the Pacific Coast. This "additional pay," therefore, of which he aggravates the Complaint by the assertion, which I presume the Senator from California recognises as proper, that he was applied to by the Senator himself, Hon. William M. Gwin, to get the command of this identical steamboat to perform this very service. It is not necessary to read the letter, but that is the fact which is stated by Lieutenant Meade. Now, then, it seems that Mr. King only did that which the Senator himself wished to be done.

the from California, that Mr. King, thus appointed a mere spent of the Executive, was acturated with entire control over the army and may and Treasury of the United States, and the work of the Secretary of the Carlor of Section of the Secretary of the Carlor of Section of Secretary of State, Mr. King is informed of his selection as an agent, and we must look to the batter of the Secretary of State, Mr. King is informed of his selection as an agent, and the Secretary of State, Mr. King is informed of his selection as an agent, and of the satisfaction, not of the President slots, which he was expected to perform. He was sent out to California to convey information to the people of that Erreitrey, and to acquire information for the satisfaction, not of the President slots, when the secretary of State, and the Secretary of State, when the secretary of State, and the secretary in the secretary of State, and the secretary in the secretary in the secretary in the secretary of State, and the secretary in the secretary of State, and the secretary in the secretary in the secretary of State, and the secretary in the secretary of State, and the secretary in the secretary of State, and the secretary of S

venture to say that no Senator here has any such reus pocus. The military and naval commanders of Call is never dreamed of putting such an interpretation on that clause as the Senator from California has done. I would clause as the Senator from California has done. I would

not willingly impute it to them, except on evidence very different from that which the Senator has adduced.

an agent to a new and distant possession of our own, would give under similar circumstances. If he had given

would give under similar circumstances. If he had given less, he would have given them no instructions at all to aid Mr. King, and would have thrown him entirely upon his own resources.

The Senator, however, undertakes to sustain this charge by a reference to a letter of General Persifer F. Smith, who was in command of the military forces in California. It seems that that gentleman, some time about the month of June, 1849, notified the Secretary of War that, in order to facilitate the accomplishment of Mr. King's purposes, to california and that they matter; that they required the stimulus of Congressional criticism. He said that he thought these gentlemen were not born to remedy the evils which had prevailed, and which still afflict the public service. All this was said on the eve of a Presidential election. Now, sir, we know how greedily the minions of party catch at accusations; and how, particularly at a time like this, such a speech as that, coming from the Senator from Virginia, who, during a very considerable experience in this body, has earned a reputation for fairness and candor, might, from that circumstance alone, derive peculiar point. I know that the products and resources of the country. That expent indeed, whether, if unanswered, his speech would be a support of the state, in order that Mr. King might ascertain by personal inspection what was the condition of the population, what were that circumstance alone, derive peculiar point. I know dition was organized for this purpose, and this alone. It is just what General Smith (who, by the by, is not only an accomplished officer, but an unimpeachable Democrat) was authorized to do, even without such instructions. Nay, more, it was that which it was his duty to do, whether he had instructions to that effect or not. He was in command of the whole of that department. What Government on the occurrence of the commission of a rew and for much the in command of the whole of that department. What Government, on the acquisition of a new, and, for much the most part, unknown territory, has failed to take all the means in its power to ascertain its resources, to ascertain all those particulars of its condition which are necessary for full information in order to the just and intelligent legislative action which Congress itself would necessarily be obliged to take in regard to it? It will be seen, by reference to the letter of General Smith, that the Senator from California is not borne out in his assertion. He notifies the Secretary of War that he has got up this expe-

"It is hoped that the character of the country, its capabili-ty of cultivation, its products in minerals and timber, will be so far ascertained as to furnish all the data necessary for le-

so far ascertained as to furnish all the data necessary for legislation."

That is the proof which the gentleman furnishes that the President of the United States had undertaken to transfer his constitutional authority, as commander-inchief of the army and navy, to Mr. King, to do what he had no constitutional authority to do—that is, to put at Mr. King's disposal the army, navy, and treasury of the United States, as the Senator says. If there was ever a non sequitur, I think the Senate will perceive it here.

Then the Senator objects to another proceeding of Mr. King. In support of his assertion, he refers to the fact that Mr. King addressed a note to the commander of the naval forces on the Pacific, asking that the steamer Edith, then in the service of the Department, should be used for the purpose of transporting members of the convention, which was about to assemble at Monterey to make a constitution for the State of California, to that point. This is proof that the navy of the United States was placed at the disposal of Mr. King! Now if we suppose that the assembling of the convention, the framing of the constitution, and the organization of the State government was a proper thing—and I take it the Senator from California would be the last man in the world to deny it, for he took an active part in it, and is enjoying the fruits of it with the content of the convention and stiffection to his assemble as a proper thing—and I take it the Senator from California would be the last man in the world to deny it, for he took an active part in it, and is enjoying the fruits of it with the content of the convention of the State government was a proper thing—and I take it the Senator from California would be the last man in the world to deny it, for he took an active part in it, and is enjoying the fruits of it with the content of the convention to the state government was a proper thing—and I take it the Senator from California would be the last man in the world to deny it, for he took an active part in it, and is en would be the last man in the world to deny it, for he took an active part in it, and is enjoying the fruits of it with very great credit to himself and satisfaction to his associates—then there was no impropriety on the part of the naval commander in sending the Edith to convey these gentlemen to Monterey. Steamboats are like talent—they rust unused. The Edith would be better employed in proceeding up the coast to Monterey, with the mem-bers of the convention, than if she had been lying idle in

I think, when I speak on this point, the Senator will I think, when I speak on this point, the Senator will recognise my friendly regard for himself. I am really undertaking to defend him, quite as much as Mr. King, and the commander of the naval forces. I feel that I should be doing but an act of justice to him to defend this act; and I think that he was just about as much responsible for the employment of the steamboat as was Mr. King himself. It may seem a little curious that the Senator, at this time of day, should have found that there was any thing improper in it and should have charged it. was any thing improper in it, and should have charged it upon the Administration of General Taylor, as one of their iniquities, that the steamer Edith had been employed in this service, and had been lost—for she was wrecked on the voyage. By the by, I would remark, in passing, that the cost of the Edith was not \$120,000, as the Senator supposed in his speech, but was only \$33,000. I have ascertained that fact beyond all doubt. I have also found, in the Navy Department, among some papers which were being copied there for the information of Congress, a letter from an officer of the navy on the Pacific coast, which conveyed to me the first information I had of an-other fact, which I am about to state. It seems that the other fact, which I am about to state. It seems that the Secretary of the Navy had sent out Lieutenant Meade to take the command of this identical steamboat; but, Commodore Jones having given the command of the steamer to another officer, he did not think proper to withdraw her from that officer's command, and assign her to Lieutenant Meade. Lieutenant Meade complained of this as gross injustice, and addressed a letter to the Secretary of the Navy, in the course of which he aggravates the complaint by the assertion, which I presume the

act of applying for the boat, or that of using her for thi

Mr. Gwin. We made no application. A conveyance wa

the Senator; on the contrary, I am disposed to justify him and the head of the de facto government, who, after The Senator has quoted also the letter of the Secretary of the Treasury addressed to the collector of customs in California, which is a mere direction to aid Mr. King, and to be guided by his advice "in the conduct of all proper measures within the scope of his instructions." And these I have shown, from the letter of those instructions, to be have shown, from the letter of those instructions, to be the conduct of all proper measures within the scope of his instructions, to be have shown, from the letter of those instructions, to be the conduct of all proper measures within the scope of his instructions, to be the conduct of all proper measures within the scope of his instructions, to be the conduct of all proper measures within the scope of his instructions, to be the conduct of all proper measures within the scope of his instructions, to be the conduct of all proper measures within the scope of his instructions. The conduct of all proper measures within the scope of his instructions, to be some of the scope of the have shown, from the letter of those instructions, to be the communication of certain specified purposes of the Administration, and the acquisition of information desirable and important to the Executive, as well as needful for our legislation. A very different thing from (as the Senator says) placing at Mr. King's disposal the army, navy, and treasury of the United States.

It must be very palpable, I think, that Mr. Clayton's letter of instructions did not confer upon Mr. King any such power over the army, navy, and treasury of the United States, nor even a qualified power; that it was nothing more nor less than such an instruction to the section was entirely proper. I do not find fault with him any more than with Mr. King for making the request. I dare say I should myself, under the same circumstances, have done the same thing. But what I do complain of is that he should use this to prove that the naval power of the United States was placed at the absolute disposal of Mr. King, and complain of it as an abuse when it had his own sanction. If that vessel was sent upon a service which now that action was entirely proper. I do not find fault with him any more than with Mr. King for making the request. I dare say I should myself, under the same circumstances, have done the same thing. But what I do complain of is that he should use this to prove that the naval power of Mr. King, and complain of it as an abuse when it had his own sanction. If that vessel was sent upon a service which now that action was entirely proper. I do not find fault with him any more than with Mr. King for making the request. I dare say I should myself, under the same circumstances, have done the same thing. But what I do complain of is that he should use this to prove that the absolute as an abuse when it had his own sanction. If that vessel was sent upon a service which now the same thread that action was entirely proper. I do not see with him that action was entirely proper. I do not see with him that action was entirely proper. I do not was entirely proper, I do not see why it is that he can charge her loss to the Government, as a thing resulting from a wrong act on the part of Mr. King, which has

Mr. Pearce. Very well, Str. It certainly is not in the senator attract from Commodore Jones's letter which the Senator read the other day. I will not read it again to the Senate. But, in glancing over that letter, I do not see any such language as that which the Senator attributed to Commission of the Senator complains that General Wilson Letter at the Senator at the Senator complains that General Wilson Letter at the Senator complains that General Wilson Letter at the Senator at the

but he did use it. I have the letter in my committee room. I did not expect the Senator would have the floor to-day, or I would have had it at my seat. I will read it before the Senator closes his remarks.

Mr. Pearce. And if it were so I can only say that Con

Jones must have fallen into a most extraordinary blunder, and have misconceived very much the instructions of his Government, and that they are not to be held liable for

any misconception of his, however gross or improper.

I pass, now, to the next charge. The Senator complains that Mr. King, having been elected a member of that Congress which began its session in December, 1849, was, during the recess of the Congress, appointed collector of San Francisco; and he seems to think that this was a violation of the Constitution. The Constitution does provide lation of the Constitution. The Constitution does provide that no member of Congress shall be appointed to any office created during the time for which he was elected, or the emoluments of which have been increased during that time. That is true. However, I will not go into the consideration of the point fully. I will abbreviate what I have to say upon it, since I might otherwise violate the wall of the constitution of the point of the property in regard to Evanting houses. I wish rule of secresy in regard to Executive business. I wish to state the simple facts of the case. The Senator has said that Mr. King's nomination was withheld from the Senate during the continuance of the Congress of which he had been elected a member, and was not sent in to the Senate until after the 4th of March.

Mr. Gwin. It was not sent in time to be acted upon a that session.

Mr. Pearce. I have given the statement of the Sena-

tor as I find it in his reported speech. It is said that the nomination of Mr. King was not sent in until after the 4th of March, 1851. The fact is it was sent in to the Senate during the continuance of the identical Congress for which Mr. King had been elected, and several days before the clear of its last against the clear of its last the clear of its last against the clear of its last again before the close of its last session, and it was perfectly competent for the Senate to act upon it before the adjournment. I mention this to show that there was no intention on the part of the Executive to prevent the Senate making any use they could fairly make of any constitutional objection to the appointment. It was submitted in time to be acted upon by the Senate, having been sent in near the close of February, 1851. If it was unconstitu-tional, was the Senate to be prevented from refusing to confirm it, because it had been delayed in order to avoid that constitutional objection? That would furnish an additional reason with every member of the Senate for retion, there was the meanness of endeavoring to avoid the application of a constitutional objection, it would have been demanded by every sense of propriety that the Sen-ate should mark their reprobation of such conduct by the rejection of the nomination. Although, as the injunction of secresy has not been removed, I am not at liberty to go into a consideration of all the facts and circumstances which weighed with the Senate when that nomination was pending, it is sufficient for me to say that he was confirmed by a Senate a majority of whose members were his political opponents. If I were at liberty to speak about that which has transpired in Executive session, from which the injunction of secresy has not been removed, I should also the secretary that the secretary that the secretary has not been removed, I should ask the Senator from California whether he did ot himself sustain the nomination of Mr. King? It is in the power of that Senator to move that the injunction of secresy be taken off. If that be done, then the country

can see who it was that sustained the nomination. Mr. Gwix. If the Senator will permit me, I will state the facts of this case also. I never sustained the nomina-tion of Mr. King, until he was renominated after the 3d tion of Mr. King, until he was renominated after the 3d of March, 1851. The Congress to which he had been elected ceased to exist on that day. Mr. King was appointed before the assembling of Congress in December, 1850. His nomination was held back from the Senate until the last or next to the last day of February. We had but one Executive session afterwards, when the nomination was referred to the Committee on Commerce, and never reported to the Senate. It is well known that the action of the Senate on the river and harbor bill was near defeating most of the appropriation bills, and left a vast amount of Executive business undisposed of, a portion of which was Mr. King's nomination. We were called into Executive session by the President on the 4th of March, and to that session Mr. King was renominated. It was well known that I objected to Mr. King's nomination, not on personal, but constitutional grounds; and would have opposed it if it had been acted on before the 3d of March, 1851, and I entertain no doubt but he would have been

. 1	Judge Pratt, of Oregon
e a	Oregon 4,886 87
e	Total, Mr. Marcy\$61,367 14
e 8	General Taylor.
63	Colonel Collier, Collector San Francisco\$34,788 96
S	Clerk to Colonel Collier 1,340 24
	General Wilson, Indian agent, Salt Lake 12,276 71
E.	Indian Agent in California 2,335 28

Mr. ATCHISON. I wish the Senator would inform me what was the cost of transporting General Wilson to his

Total, General Taylor

agency at Utsh?
Mr. Prancy. The whole cost is put down at \$12,270 Mr. Pearcz. The whole cost is put down at \$12,270.

Now, I beg leave to make another remark in this connexion. The Senator from California has assumed that this escort was sent out for the sole purpose of conducting Mr. Wilson to his agency. I would refer the Senator to the report of the late Commissioner of Indian Affairs, Mr. Medill, a Democrat, holding office under the Administration of Mr. Polk, and who was suffered to continue in office after General Taylor's inauguration. It will be found at page 183, of Document No. 17, of the first session of the 31st Congress. I will read only one single sentence from his letter to General Wilson:

"As you will doubtless avail yourself of the military escort."

"As you will doubtless avail yourself of the military escon

That is the letter of instruction from the Commis of Indian Affairs to this identical agent, General John Wilson. He told him that a military force was going out, and that it would be better for him to fall in with it. The fact is, as I have ascertained at the Quartermaster's de-partment, that the troops by which General Wilson was escorted were recruits which the Department was sending to Santa Fe. At Santa Fe he procured another

be exactly proper that an officer appointed to such a sta-tion as this should, immediately upon arriving at the seat of his operations, resign his place; but what I mean to say is, that no impropriety on the part of General Wilson was known to the present Executive, nor, so far as I can ascertain, to the Executive who preceded the present, at the time when he resigned one office and when he was appointed to another. The complaint which the Senato makes is, that, having gone upon this expedition at great cost, having resigned his office before he did any thing except to write two or three despatches, Mr. Wilson was appointed navy agent at San Francisco. That the Senator charges as an offence upon the present Administra-tion. Now, the fact is that Mr. Wilson, who was a per-sonal friend of General Taylor, was appointed navy agent by General Taylor. He received his nomination from him. It had been sent to the Senate, but was for a long time It had been sent to the Senate, but was for a long time unacted upon. It was not, it was true, acted upon at the time when Mr. Fillmore succeded to the Presidency; but the Senate know very well that the policy of the present Executive was not to withdraw nominations made by his predecessor, but to send them all in to the Senate, unless there was some special reason to the contrary. This Administration knew of no special reason why Mr. Wilson the senate of the senate was senated and the senate of the s should not be appointed navy agent. The Senator had at that time made no complaints against him. Nobody had made complaints against him that I can ascertain; and he went in under the nomination of General Taylor, and was confirmed by the Senate—the Senator from California being then, I believe, a member of the Senate, or a member elect, ready to take his seat here when his State should be admitted, as she soon was.

But the Senator does not stop at this point. He says that

Mr. Wilson was suffered to remain as navy agent at San Francisco although he never gave an official sond; that he was allowed for a long time to receive the emoluments of his office, and that that office was finally abolished in order his office, and that that office was finally abolished in order
to get rid of him. A most extraordinary series of mistakes! It is very true that under his temporary appointment Mr. Wilson did offer a bond, which was passed upon
by the persons appointed to do so in California, and was
rejected. But it is also true that he offered another bond,
which was accepted; and that, after his confirmation by
the Senate, he again offered another bond, which was also
accepted. Then, the Senator is entirely mistaken in these
particulars. He is also greatly mistaken in another, and particulars. He is also greatly mistaken in another, and it is a mistake about which I must confess my surprise. The Senator from California is well known as a very active and indefatigable member of the Senate; no man here, I believe, is more attentive to his duties; no man, I think, takes a more active part than the Senator from California in the duties of the committees of which he is a member. But he is chairman of the Naval Committee of this body. Upon him peculiarly devolves all the duties which belong to that committee. If there is any man in this body bound to know the law and the facts in regard to any particular case in relation to a naval officer, that Senator is pre-eminently bound to know them. He has told the Senate that this man received the emoluments of the office of navy agent during a considerable length of the office of navy agent during a considerable length of time. I can say to the Senate, on the information I have obtained at the Department, that he never received any emoluments at all. I confess I must express my surprise again that the Senator should have so far forgotten those naval affairs which were committed to his charge as not to know that a navy agent receives no salary. The only compensation he gets is a commission of one per cent. on the amount he disburses. Before the Senator made the charge I think he should have looked into the facts. Gencharge I think he should have looked into the facts. Gen-eral Wilson is one of his own constituents, who has a right to look to him, if to any body, for defence. The Senator, if he had inquired, might have ascertained the fact that never, during the whole time General Wilson held his com-

Senator speaks, was merely that compensation which, as agreed, he might receive during the recess. It did not multiply compensation, as he seems to suppose.

But it is a still graver matter of charge with the Senator far the Executive, was entrared with entire control over the army and navy and Treasury of the United States. They were all, he says, placed at his disposal; the military and naval commanders in California had no discretify the chose so to exert it, of Mr. King. Now, how does if he chose so to exert it, of Mr. King. Now, how does the senator derive this? He said that he would prove it by documents, and he undertook to do it; I will show with he would have an official with Edith, and he undertook to do it; I will show with he man and to commanders in California is, that a certain General John Wilson was an official existing with he man and the constitution of the caprication of the takes them to Monterey. The senator has alluded to the escort which was sent to condemn the property. There is manifestly nothing very on the season, so that we had no opportunity of test of the coustoms in California. I do not know that the troops that is manifest. The extract from the letter; perhaps that will be seen that it is not got up for this occasion; that is may first the constitutional objection of the Senator is a solid proposition was known to exist, and with first control of the last disposition was popinted on the letter; who was appointed collector of the list moving to the ocutions, Called upon im to could the property. There is manifestly nothing very cutomistic property in the senator, on that the theory on the senator is a still first the senator has alluded to the escort which was sent the property. There is manifestly nothing very cutomistic propers of the constitutional objection of the Senator is a special cutomist. The constitutional objection of the constitutional objection of the constitutional objection of the constitution of the constitution of the variance of the senator has stated that Mr. C

Mr. Gwix. I so understood the chairman of the Committee on Finance, who had made inquiry in regard to the

are going to send a public agent thousands of miles from the seats of your civilization, through barren and inhos-pitable wastes, where no civilized man lives, but where the fiercest and most warlike savages roam in search of Appose nobody and Michigan, (Mr. Cass.) I making indian treaties. I recoilect that, on looking at one of the treaties which he made, I found the names of a number of officers of the army appended to it as witnesses. I suppose they were part of the escort which protected him. No one would deplore more deeply than I should do any negligence of the Government in past times, by which that honorable gentleman should have been lost to the country, as might have been the case if he had been suffered to go into a dangerous Indian country to negotiate treaties without such military protection as was necessary to ensure his security, and the absence of which would in all probability have frustrated the very of which would in all probability have fr

addressed Gen. Jesup's office in order to get the information, and he sent to me a letter, in which he states that no account was ever rendered by Mr. Collier or suite for the property which they took with them; and, so far as the records of the office show, no account was ever rendered in regard to the public property which they took.

Mr. Prarce. I was furnished with a statement that the expense for the outfits and escorts of civil agents in that expedition amounted to the sum mentioned by the

the expense for the outfits and escorts of civil agents in that expedition amounted to the sum mentioned by the gentleman from Virginia—\$34,000. This does not include the pay of the troops; but it includes all the purchases that were made for the transportation of the troops and of their supplies. We are not to suppose that the \$34,000 was a private fund, put into the pocket of this civil agent, and expended for his individual benefit. It was a fund which was expended in the purchase of every thing necessary for the escort. If there was any small peculation on the part of Mr. Collier, I know nothing of it, and I on the part of Mr. Collier, I know nothing of it, and I have no reason to believe such to have been the fact. I take it for granted that the officers of the army who commanded the escort were responsible for the army property put into their possession for the purposes of the escort. If Mr. Collier had any small and of the public property in a commercial view, may be pointed out as consisting in its climate, the want of permanent points for landing eargoes, the absence of fuel, and the lack of a plentiful in the public property of the army property put into their possession for the purposes of the escort. if Mr. Collier had any small and appropriated it to also win use, it was a great disgrees to him; but it does not authorize a charge against the administration of then. Paylor of a wanton expenditure of \$34,000, as if that sum him gone into the collector's pocket, and had been used solely for his own purposes. Still less can the present Administration in the collector's pocket, and had been used solely for his own purposes. Still less can the present Administration in their

bossiole, if you had the wealth of Cresse, and were willing thus to expend it, because the country is too vast and sterile, and affords no means of subsistence. But it is obviously a proper means of keeping these Indians quiet to send detachments of troops into their country, at different times, as often as may be, and at such an expense ferent times, as often as may be, and at such an expense as will not be intolerable to the Treasury. It is precisely that policy which Mr. Polk pursued when he sent the rifle regiment to Oregon. He did not send them by sea, but across the plains, at an expense of over \$226,000. I have the vouchers by me for the amount. I do not charge that as an impropriety on Mr. Polk's a ministration; not at all. But the Senate will recollect that at a preceding session of Congress the chairman of the Committee of Mayes and Means in the House as Parameters in the Mayes and Means in the House as Mr. Ways and Means, in the House of Representatives, (Mr. BAYLY,) spoke of this as a "most improvident thing," while he said the arrangements made by the present Secretary of War to bring that regiment back were "extremely judicious," and "of the most economical kind." I presume he thought that the rifle regiment was not

WAR DEPARTMENT,

WASHINGTON, APRIL 17, 1852.

Sire: I have received your letter of the 31st ultimo, requesting to be informed whether certain property, or any part thereof, had been turned over to the Quartermaster's department by Collector Collier when he reached his destination, and the amount. In reply thereto, I have the honor to inform you that, as far as this Department is informed, no part of the property has been accounted for. It is believed that the whole of it was lost or left on the route, though on this point that Department has no official information.

Very respectfully, your obedient servant.

C. M. CONRAD, Secretary of War.

Hon. C. W. ROCKWELL, Commissioner of Customs.

Mr. Prance. If the property was lost or left on the

Mr. PEARCE. If the property was lost or left on route, as the Secretary supposes, it was not converted to his own use by Mr. Collier. Mr. Collier was nominated to the Senate as Collector of the Customs. If he had basely abused his trust, and peculated upon the public property, in the manner which the Senator from California supposes, but which is not sustained by the letter which the Senator from Virginia has read, it was the duty of the Senate, undoubtedly, to reject him. Most unquestionably, if the Administration had known of that proceeding, the President would not have nominated him,

proceeding, the President would not have nominated him, nor have suffered his nomination by Gen. Taylor to remain before the Senate after he came into power.

The Senator from California has spoken of divers abuses by Mr. Collier after he arrived at San Francisco. He has spoken of his seizure of French cargoes; and it is a fact, as he says, that some of these seizures were wrongfully made. It occasioned a good deal of trouble at the time. made. It occasioned a good deal of trouble at the time.
But many of these seizures, I am informed, were fully
justified by our revenue laws. In regard to the others,
the fact is that instructions sent to Mr. Collier, in time
to prevent these improper seizures, were accidentally sent

Administration responsible for the defalcation of an inferior agent, unless they tolerated the abuse, or rewarded him for it, as the gentleman seemed to intimate at the opening of his speech. Mr. Collier's abuses, whatever they were, were not known to the Administration Suspicious were affoat, it is true; but no official information had been received at the Treasury Department of any mal-ad-ministration by him at the time when his nomination was sent to the Senate; and it would have been grossly unjust, upon mere rumor and suspicion, to discredit a man who had always before borne an honorable character, when, by waiting a little while, official information could be obtained upon which the Department might determine its action. He was, however, rejected by the Senate, as

its action. He was, however, rejected by the Senate, as the Senator has stated.

Another complaint which the Senator makes against the Administration is, that they have been guilty of gross extravagance in regard to the establishment of a military depot at Benicia. His first objection is, that Benicia was not the proper place. He read from the report of Major Vinton, a quartermaster in the army, to show that the selection of these sites was determined by General Persifer F. Smith, a gentleman who is, above all exception, one of the most gallant men in the army, as I know the gentleman will concur with me in saying, a man of general and professional intelligence, and of the very highest sense of honor, whose especial duty it was to select these sites, and who was appointed to the command by Mr. Polk's administration. He was a sterling Democrat, too, but doubtless received his appointment because of the special confidence reposed in his fidelity. That officer communicated to the Government, at different times, the reasons why he preferred establishing the military depot at Benicia instead of San Francisco. I propose to read a few extracts from his letters to the Adjutant General. Under date of April 5, 1849, he says:

"The town of San Francisco is no way fitted for military or

Mr. Hunter. I have not by me the papers containing an account of the expenses of the transportation of the expedition of Mr. Collier; but I think the expense was about \$34,000.

Mr. Pearce. That was the whole expense of the outfit and escort, as furnished by the Quartermaster's department.

Mr. Hunter. I would ask the Senator if he is certain that it includes the expenses of the troops composing the escort? for I certainly understood differently from Gen.

Jesup.

Mr. Pearce. It does not include their pay or subsistence, but does cover their transportation.

Mr. Hunter. I understood that that amount did not include the expense of the troops of the escort. I got my information through the commissioner of the customs. I addressed Gen. Jesup's office in order to get the information, and he sent to me a letter, in which he states that no account was ever rendered by Mr. Colliers.

He also repeats that "the expense of landing stores at San Francisco is enormous;" and, contrasting the two places, says: "But there is no point entirely covered from all winds except in the Straits of Karquinez."

On the 21st of May, 1849, he writes again from San Francisco, and says:

"The enormous expense attending the landing and shipment of goods here will be obviated by having the depot removed to Benicia, on the Straits of Karquinez, where the general depot is

Major Vinton, in the report from which the Senator has read, dated March, 1850, in speaking of San Francisco.

wanton expenditure of \$34,000, as if that sum is gone into the collector's pocket, and had been used solely for his own purposes. Still less can the present Administration be held liable for an abuse not occurring in their time, neither sanctioned by them, nor even known to them.

But I was about to state certain advantages that arise from sending troops through the Indian territory. It is the policy of our very best military commanders in those distant divisions to keep our troops moving among the Indians. That is the only way to pacify them, to overawe them into quiet, to secure protection to our emigrants going across their wild and desolate plains, to prevent the Indians crossing our boundaries into Mexico, whose territories we are bound by treaty stipulation to protect from their incursions. You cannot keep a permanent force every where in the Indian country. That would be impossible, if you had the wealth of Crossus, and were willing thus to expend it, because the country is too vast and sterile, and affords no means of subsistence. But it is obviously a proper means of keeping these Indians quiet to send detachments of troops into their country, at different times, as often as may be, and at such an expense that he indian territory. It is presize. which existed a few months ago have since been destroyed at the act of some person, with or without sufficient authority, (about which I am not fully advised) extending permission becertain citizens to build upon and occupy for business purposes some of the best points on the public reserve. Rents are exorbitantly high—beyond a parallel in any country. Fuel cannot be obtained at retail prices for less than fifty dollars per cord, and men are unwilling to contract for any large supplies of it prospectively, lest the extravagant prices of labor may throw them out of all calculable profit.

Soon after his arrival in California, General Smith established the depot, as I suppose, under the large discre-tionary powers which had been given to him by Mr. Marcy while he said the arrangements made by the present Secretary of War to bring that regiment back were "extremely judicious," and "of the most economical kind." I presume he thought that the rifle regiment was not wanted in that country, where the Indians are more pacific than elsewhere, and where troops of this description were not so useful. But the same policy which induced Mr. Polk to send that rifle regiment overland to Oregon, and to establish military posts along that route, and to protect the gentleman appointed to the Governorship of that Territory, justified Gen. Taylor in sending such an escort with Mr. Collier to San Francisce.

Mr. Hunten. I have now the letter of the Secretary of War to the Commissioner of Customs, to which I referred. It is in these words: and long after the Secretary of War had approved its selection. The approval of the Secretary of War was dated in July, 1849. The Senator has read from this report of Major Vinton, which so far may be considered a volunteer report, to show that the obvious disadvantages of the site made it the duty of the Department of War to disapprove it. It so happened that, while running my eye over the report, and comparing it with the extract which be quoted, and which is set out in the printed report of his speech, I found a very important omission. The part omitted is only a single sentence, but then it is a key to all the rest of the report. It does not merely qualify and limit the sense of what preceded, but entirely changes the view which an imperfect examination of the report would present. After describing the geographical adwould present. After describing the geographical advantages of Benicia, he speaks of its topographical disadvantages. The last are chiefly the want of wood and

Major Vinton says:

"Having in view, then, that these too great elements which invariably form the first principles in making a choice for the residence of a community are wanting at this place, I think the defects of the position are made manifest."

So far the Senator read, and so far his quotation is correct. But he did not read the next and very important sentence, which is in these words:

"Still it is not easy to designate any other point which is free from similar objections; and I allude to the faults of this one to show the difficulties and consequent expenditure to be encountered in the establishment of depots." When we look, therefore, to the whole of Major Vinton's

testimony, we find that if it is to have any effect at all, it is to sustain the selection of General Smith. He shows the great and peculiar geographical advantages of Benicia, and that its topographical disadvantages are such as prevail elsewhere.

The Senator spoke particularly of a want of water, there

being, as he supposed, only a single spring at Benicia. General Smith speaks in terms of complaint of the water them in time to avoid the error into which he fell. In regard to the lawful seizures of property which he made, and the selling of that property, what was the reason for it? There was, at that time, no court in Galifornia with